

## 2011 AFSCME MEF/CEO – CITY OF SAN JOSE NEGOTIATIONS

### AFSCME COUNTER PROPOSAL – OVERTIME AND COMPENSATORY TIME

#### Rationale:

*This counter proposal is in response to the City proposal to replace language in the MOA. The union is at the bargaining table to work with the City, and this proposal underscores, as will all of our proposals that we are stepping up to ensure that the City of San Jose continues to be a great place to work. It is critical that the City not incur unnecessary costs and that it continues to work efficiently and effectively. Overtime is necessary on occasion, in particular when we are in a time of diminished staffing levels, and an ever increasing workload. We agree that taking time off, such as a vacation is a necessary part of maintaining a healthy employee; however we also recognize that time off when voluntary is distinct from involuntary time off. When the time off is involuntary such as through illness or a mandated workplace closure (i.e. Holiday) and the work remains then the employee should not be penalized for having to complete mandatory overtime. In such a circumstance the employee should be compensated accordingly.*

Proposed MEF language:

#### ARTICLE 7 HOURS OF WORK AND OVERTIME

7.6 Time spent on paid sick leave, disability leave, holiday leave, ~~vacation leave~~ military leave, involuntary compensatory time off duty, or other authorized paid leave shall be deemed time worked for purposes of this Article

##### 7.12 Overtime and Compensatory Time

7.12.1 An employee who works a normal work schedule as defined by Section 7.3 and is authorized or required to work overtime who works in excess of forty (40) hours per work week, shall be compensated at the rate of 1-1/2 times the employee's hourly rate, except when such excess hours result from a change in such employee's work week or shift or from the requirement that such employee fulfill their work week requirement.

7.12.2 Use of voluntary paid time off (vacation, compensatory and personal) shall not be considered time worked for the purpose of calculating eligibility for overtime.

Proposed CEO language:

#### ARTICLE 6 HOURS OF WORK AND OVERTIME

6.7 An employee who works a normal work schedule as defined by Article 6.3 and is authorized or required to work overtime who works in excess of forty (40) hours per work week, shall be compensated at the rate of time and one-half (1-1/2) the employee's hourly rate, except when such excess hours result from a change in such employee's work week or shift or from the requirement that such employee fulfill his/her workweek requirement.

6.7.1 Part-time employees are only eligible for overtime pay if the employee works over forty (40) hours in one (1) week.

6.7.2 Use of voluntary paid time off (vacation, compensatory and personal) shall not be considered time worked for the purpose of calculating eligibility for overtime.

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- 6.10 Time spent on paid sick leave, disability leave, holiday leave, ~~vacation leave,~~ military leave, involuntary\_compensatory time off duty, or other authorized paid leave shall be deemed time worked for purposes of this Article.